THE HON'BLE SRI JUSTICE RAMESH

RANGANATHAN

W.P.No. 22600 OF 1996

DATE: 24-1-2007

Between:

P.Kumari Devi .... Petitioner

And

The Registrar,
Nagarjuna University,
Guntur .... Respondents

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RANGANATHAN

W.P.No. 22600 OF 1996

O R D E R:

Questioning the order dated 14.12.1994 terminating her services as Junior Assistant-cum-Typist, the present writ petition is filed.

The petitioner was appointed as Junior Assistant-cum-Typist in 1982. Her husband is said to be suffering from chronic Paranoid Schizophrenia from 1982 onwards. As she had to attend on her husband the petitioner applied for leave from May 1992 to September 1992. She joined duty on 20.9.1992 and worked upto 30.10.1992. She again applied for leave from 1.11.1992 to 20.3.1994 and joined duty on 31.3.1994 and worked till 20.6.1994. Again she sought leave on loss of pay from 21.6.1994 to 31.12.1994. Though no leave was sanctioned the petitioner remained unauthorizedly absent from duty. Show cause notice dated 28.7.1993 was issued calling for her explanation for her absence to which the petitioner submitted her explanation on 12.8.1994 detailing the circumstances which necessitated her to proceed on leave without awaiting sanction. Thereafter, the impugned order dated 14.12.1994 was passed. The impugned order refers to the fact that the Vice-Chancellor of the University had ordered that the services of the petitioner be terminated from 1.11.1994 and that she had been informed on 24.10.1994 followed

by a telegram on 25.10.1994 that her services would terminated from 1.11.1994 if she failed to join duty by 31.10.1994 and as there was no response to the telegram and to the Memo issued, and since the petitioner did not join duty on or before 31.10.1994, her services were terminated.

Whatever may be the circumstances, the repeated absence of the petitioner from duty has resulted in the impugned order of termination dated 14.12.1994 being issued. The action of the respondents in terminating her services, in such facts and circumstances, cannot be faulted. It is the petitioner's case that she was forced to go on leave to attend on her ailing husband who was suffering from chronic Paranoid Schizophrenia and that he required constant medical attention. Petitioner would contend that she is the sole bread winner in her family and the action of the respondents in terminating her services has resulted in her suffering untold hardship. Petitioner would seek indulgence of this Court that she be reinstated into duty, even if it be without back wages. These are all matters which are not for this Court to adjudicate in proceedings under Article 226 of the Constitution of India. Petitioner's grievance, however, necessitates sympathetic consideration by the authorities concerned. Ends of justice would be met if the petitioner is permitted to submit a detailed representation to the respondents

seeking sympathetic consideration of her case. Sri V.R.Avula, learned counsel for the petitioner, would submit that the petitioner would submit such a representation within a period of four weeks from the date of receipt of a copy of the order. In case such a representation is submitted by the petitioner within the aforesaid period, the respondent shall consider her case sympathetically and in accordance with law and pass appropriate orders thereon within three months from the date of receipt of such representation.

The writ petition is disposed of accordingly. No costs.

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24-1-2007

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